IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.3295 OF 2004

Shahid Nabi Khan & Ors. .. Petitioners

Vs.

The Sub Registrar & Ors. .. Respondents

Mr.Mr.A.A.Siddiqui for the petitioners

Mr.K.R.Belosey for the resopndent state

Mr.Bhalchand F. Lute, Joint District Registrar, Class II (Record), Mumbai present

CORAM : J.N.PATEL &
A.A.SAYED, JJ.

DATED : 3RD MAY, 2007

P.C.:

1. The learned counsel for the respondents after taking instruction from the concerned officer who is present in court submits that the contention of the petitioners that the document so registered with the Sub Registrar is misplaced is correct and that efforts are being undertaken to trace out the original document in accordance with the rules. The petitioners would be provided with a certified

xerox copy from the record as the original is lost.

2. We expect the Sub-Registrar to conduct a detail enquiry in the matter as the document has been misplaced in the year 2002 and admittedly, there is no record in the office of the Sub Registrar to show that any enquiry was conducted and any disciplinary action was taken against the persons responsible for the custody of the documents nor any police report in the matter was made.

3. This only reflects a sorry state of affairs in the office of the Sub Registrar. We therefore direct the Sub Registrar to comply with the requirements of the petitioners on or before 10.05.07 without causing him any undue harassment and inconvenience. On such compliance being made, liberty to the learned counsel for the petitioners to withdraw the petition otherwise the petition be listed before this court immediately on reopening i.e. 6.6.07.

4. We make it clear that if the grievance of

the petitioners is not resolved by the office of the Sub Registrar, then we will be constrained to summon respondent no.3 to personally remain present in this court to show cause as to why this court should not initiate action against the department for their negligence and award compensation to the petitioners at his costs and consequences.

5. S.O. to 6.6.07.

(SHRI J.N. PATEL, J)

(SHRI A.A. SAYED, J)